

**Instructions Manual
Office of the State Superintendent of Education
Phase II Application for Part B of the Individuals with
Disabilities Education Act (IDEA) as Amended in 2004 for
Federal Fiscal Year 2009**

School Year 2009-2010

Annual IDEA Funds

CFDA No. 84.027A (Section 611 – Grants to States)

CFDA No. 84.173A (Section 619 – Preschool Grants)

American Recovery and Reinvestment Act (ARRA) IDEA Funds

CFDA No. 84.391A (Section 611 – Grants to States)

CFDA No. 84.392A (Section 619 – Preschool Grants)

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Overview

The primary purpose of the Individuals with Disabilities Education Act (IDEA) is to ensure that students with disabilities have available to them a Free Appropriate Public Education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. The purpose of the IDEA Part B grant programs is to provide financial **assistance** to States and local educational agencies (LEAs) in carrying out their responsibilities under IDEA for students with disabilities.

To receive IDEA, Part B funds, LEAs must submit an application to the Office of the State Superintendent of Education (OSSE). This application must provide assurances that the LEA will meet key fiscal and programmatic requirements of IDEA. Submission of the Phase II application, in conjunction with the Phase I application, will serve as the LEA's application for its Federal Fiscal Year (FFY) 2009 Annual IDEA, Part B grant funds and its IDEA American Recovery and Reinvestment Act (ARRA) grant funds.

The FFY 2009 IDEA Phase II application consists of two documents. The first document is a Microsoft Word file containing the programmatic questions that the LEA is required to complete.

The second document is an Excel workbook containing the financial forms and templates that the LEA will need to complete. The file names of these documents are listed below:

1. FFY09 IPB P2 App – Program
2. FFY09 IPB P2 App – Fiscal

To aide LEAs in completing these documents, the OSSE developed this Instructions Manual, which is divided into 3 main sections. The first two sections are intended to provide LEAs with guidance about:

- The allowable uses of IDEA, Part B funds and related fiscal requirements; and
- The programmatic aspects of IDEA that are addressed in the Phase II application.

The remaining section will provide: 1) step-by-step instructions for filling out the fiscal workbook, 2) the programmatic questions, and 3) information on submitting the LEA's application.

Please note that the information provided in this Manual is intended to provide the reader with a high-level overview of key laws and regulations. This manual is not a substitute for individual research of applicable laws and regulations.

Guidance for Completing Fiscal Portion of IDEA Phase II Application

Section 1. Allowable Uses under IDEA

Purposes of IDEA, Part B

LEAs must ensure that all costs charged to their annual IDEA, Part B allocations and their IDEA ARRA allocations are consistent with the purposes of IDEA, Part B:

- To ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living;
- To ensure that the rights of students with disabilities and their parents are protected;
- To assist LEAs with providing for the education of all students with disabilities; and
- To assess and ensure the effectiveness of efforts to educate students with disabilities.

LEAs have flexibility to develop spending plans to address their unique needs and program designs; however, the OSSE will closely review proposed costs to ensure that they clearly relate to the delivery of special education and related services to eligible students with disabilities.

Possible Uses of Funds

In general, both the annual IDEA funds and the IDEA ARRA funds may be used for:

- Child find activities;
- Salaries and related benefits for special education teachers who work with students with disabilities;
- Educational supplies, materials, curriculum, and software directly involved with implementing IEPs for students with disabilities;
- Related service providers who work with students with disabilities;
- Professional development for special education personnel; and
- Necessary and reasonable administrative costs (please note the OSSE will closely examine amounts set aside in this category that exceed 10% of the LEA's IDEA, Part B allocation).

In very limited circumstances, both funding streams may be used for construction or alteration of facilities and the acquisition of equipment if the OSSE determines the special education program would be improved by allowing funds to be used for these purposes. LEAs must obtain the OSSE's **prior approval** before using any IDEA funds (including IDEA ARRA funds) for these costs. An LEA seeking to obtain the OSSE's prior approval to use IDEA, Part B funds for construction, alteration or equipment costs **must**:

- Carefully review the information in Appendix A;

- Select the appropriate expenditure category in the appropriate spending plan;
- Complete the attached justification form; and
- Sign the assurances contained in the justification form.

For those LEAs seeking to obtain approval to use funds for equipment, construction or alteration of facilities, the OSSE will request additional information after reviewing the justification form, including information about how the LEA plans to comply with the requirements outlined in Appendix A.

Unallowable Uses of Funds

Neither funding stream may be used to pay for attorney fees or costs of a party related to any action or proceeding under section 615 of the Act or subpart E of 34 CFR § 300.517.

Section 2. Special Considerations for IDEA ARRA Funds

All provisions of the Education Department General Administrative Regulations (EDGAR) and the General Education Provisions Act (GEPA), as well as those for IDEA, that currently apply to IDEA funds also apply to the IDEA ARRA Part B funds. LEAs should develop their IDEA ARRA spending plans thoughtfully with an understanding that these funds constitute a large one-time funding increase. This provides a unique opportunity for LEAs to improve teaching and learning and the results for students with disabilities. The U.S. Department of Education advises LEAs to use IDEA ARRA funds for short-term investments that have the potential for long-term benefits, rather than for expenditures the LEAs may not be able to sustain once the ARRA funds are expended. The U.S. Department of Education suggests some possible uses of IDEA ARRA funds, including:

- State-of-the-art assistive technology devices, and training in their use, to enhance access to the general curriculum for students with disabilities;
- Intensive district-wide professional development for special education and regular education teachers that focuses on scaling-up, through replication, proven and innovative evidence-based school-wide strategies in reading, math, writing, science, and positive behavioral supports to improve outcomes for students with disabilities;
- Developing or expanding the capacity to collect and use data to improve teaching and learning;
- Expanding the availability and range of inclusive placement options for preschoolers with disabilities by developing the capacity of preschool programs to serve these students; and
- Hiring transition coordinators to work with employers in the community to develop job placements for youths with disabilities.

More information about the considerations LEAs should take into account when deciding how to spend IDEA ARRA funds is available at: <http://www.ed.gov/policy/gen/leg/recovery/guidance/uses.doc> ; and

<http://www.ed.gov/policy/gen/leg/recovery/section-1512.html>

As a reminder, LEAs are required to track IDEA ARRA expenditures separately from their Annual IDEA grant funds. In addition, IDEA ARRA funds are subject to strict quarterly reporting requirements.

LEAs must complete and submit to the OSSE's their "ARRA Reimbursement and Reporting Workbook" according to specific deadlines. This workbook incorporates required reporting elements with the OSSE's typical reimbursement workbook to minimize the need for supplemental submissions by LEAs to fulfill their reporting responsibilities. Meeting these reporting requirements is a condition of your LEA receiving its federal funds. The ARRA reporting schedule is outlined in Tab 2 of the fiscal workbook. The submission of this workbook is required regardless of whether the LEA is seeking reimbursement.

Section 3. Coordinated Early Intervening Services

LEAs may reserve up to 15% of their total IDEA, Part B allocation for coordinated early intervening services (CEIS). Early intervening services are services provided to students in grades K through 12 (with a particular emphasis on students in grades K-3) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in the general education environment.

Please note: LEAs that have "significant disproportionality," i.e. a disproportionate representation of racial/ethnic groups in special education, **must** reserve the 15% for early intervening services. If the OSSE determines an LEA has significant disproportionality, it will include that information in the LEA's determination letter.

Funds spent on early intervening services must be tracked separately from the remainder of the LEA's IDEA, Part B funds so that the OSSE can determine the amount set aside for this purpose did not exceed the 15% cap, and that the funds were spent on allowable activities.

While an LEA may calculate its CEIS set-aside based on its total FFY 2009 IDEA Part B preliminary awards (Annual 611 and 619 allocations and IDEA ARRA 611 and 619 allocations), it should allocate the total set-aside amount to either its Annual 611 or its IDEA ARRA 611 grant. The OSSE strongly encourages LEAs to allocate the entire set-aside to their annual IDEA award. LEAs that wish to allocate their CEIS set-aside to their IDEA 611 ARRA grant should carefully consider the additional reporting requirements that apply to all ARRA funds. More information about ARRA reporting requirements can be found at:

<http://www.ed.gov/policy/gen/leg/recovery/section-1512.html>

An LEA wishing to reserve funds for early intervening services may use such funds for activities that include:

- Professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and

- The provision of educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

Reserved funds may be used to carry out services that are coordinated with activities under the Elementary and Secondary Education Act (ESEA) if the funds are used to supplement and not supplant funds made available under the ESEA for similar services.

An LEA that reserves funds must annually report to the OSSE on:

- The number of students served who received early intervening services; and
- The number of students served who received early intervening services and subsequently received special education and related services under IDEA, Part B during the preceding two year period (i.e. the two years after the child has received CEIS).

The federal Office of Special Education Programs (OSEP) has issued additional guidance on this topic, which can be found at http://www.ed.gov/policy/speced/guid/idea/ceis_pg3.html

An LEA that reserves Part B funds for CEIS must indicate this decision by selecting the appropriate drop down menus in the fiscal workbook, complete a separate spending plan and budget; and describe the activities the LEA will carry out with these reserved funds in question 13 of the programmatic portion of the Application.

Section 4. IDEA Equitable Services– 34 CFR § 300.134 (Applies to DCPS ONLY)

The 2004 reauthorization of IDEA made significant changes to IDEA's equitable services requirements. The District of Columbia Public Schools (DCPS) must set-aside and spend a proportional share of its IDEA, Part B funds to identify, and provide services to, students with disabilities.

DCPS is required to ensure timely and meaningful consultation with private school representatives and representatives of parents of parentally enrolled private school children with disabilities during the design and development of special education and related services for the children. The consultation process must include discussions of (a) child find, (b) the determination of the proportionate share of funds, (c) how the consultation process will operate throughout the school year to ensure that parentally placed students with disabilities identified through the child find process may meaningfully participate in special education and related services, (d) the provision of special education and related services, including how, where, and by whom special education and related services will be provided, and (e) how, if DCPS disagrees with the private school officials on the provision of services, DCPS will provide a written explanation of the reasons that DCPS chose not to provide services.

DCPS may be able to use the mechanisms developed for the ongoing consultation process to work with representatives of the private schools located in the area served by the LEA and representatives of parents of parentally-placed private school children with disabilities in determining how the proportionate share of IDEA

ARRA funds will be expended. The U.S. Department of Education has suggested one option for spending, which is to spend some of these funds in school year 2009-2010 and the remainder in school year 2010-2011. In all cases, DCPS must ensure that it has engaged in consultation with the private school representatives and representatives of parents of parentally-placed private school children with disabilities about how the additional funds available for services for parentally-placed private school children with disabilities will be used.

In calculating the proportionate share required under IDEA section 612(a)(10)(A)(i)(I), DCPS must first aggregate the FFY 2009 funds received under Section 611(Grants to States) Annual and ARRA awards and apply the formula outlined in 34 CFR §300.133 to the aggregated amount. Similarly, for children aged 3-5, the proportionate share is based on the total FFY 2009 funds received under the Section 169 (Preschool Grants) Annual and ARRA awards.

The IDEA ARRA grants provide a substantial increase in FFY 2009 IDEA, Part B funds. As provided in 34 CFR §300.133(a)(3), if an LEA has not expended all of the proportionate share of its Part B subgrants by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services to children with disabilities who are parentally-placed in private schools during a carry-over period of one additional year.

NOTE: DCPS should maintain in its records and provide to the OSSE the following information:

- The number of parentally placed private school students who are evaluated during the preceding school year (for July 1, 2008 to June 30, 2009);
- The number of parentally placed private school students determined to be a student with a disability during the preceding school year (July 1, 2008 to June 30, 2009); and
- The number of parentally placed private school students receiving services by DCPS utilizing the proportionate share of federal funds for the preceding school year (July 1, 2008 to June 30, 2009).

In the coming months the OSSE will provide more detailed guidance regarding IDEA Equitable Services. **However, DCPS will still need to complete the equitable services calculation which is outlined in Tab 17 of the fiscal workbook and describe the activities it has already taken and/or plans to take regarding meaningful consultation with private school representatives and parent representatives, in question 14 of the programmatic application.**

Section 5. Specific IDEA Fiscal Requirements

As discussed above, IDEA, Part B funds must pay for *extra* items that would not normally be paid for with local funds. IDEA, Part B contains three rules designed to ensure that federal funds are used to provide services that are in addition to the regular services normally provided by the LEA for participating students: (1) maintenance of effort; (2) supplement not supplant; and (3) excess cost.

Maintenance of Effort (MOE): LEAs must maintain a consistent level of state and/or local funding for the education of students with disabilities from year-to-year. In DC state and/or local funds means the Uniform Per Student Funding Formula (UPSFF). In other words, an LEA may not reduce the amount of its UPSFF allocation that it spends on the education of students with disabilities below the amount that was spent in the prior year. Spending may be measured on an aggregate (total funding) or per capita (funding per-pupil) basis.

Reductions may be permissible if they are due to: (1) the departure of special education or related services personnel; (2) a decrease in the enrollment of students with disabilities; (3) the termination of the LEA's obligation to provide an exceptionally costly special education program because a student has left the LEA, aged out of the program, or no longer needs the program; or (4) the termination of costly expenditures for long-term purchases (such as the acquisition of equipment or the construction of school facilities).

An additional reduction, known as the 50% reduction, is also available under certain circumstances for LEAs that meet specific criteria. The OSSE will contact LEAs that meet these criteria.

LEAs must demonstrate compliance with the MOE requirement in three ways:

1. **Sign required assurance** – each LEA must assure the OSSE that the LEA will maintain effort by budgeting at least the same amount of its UPSFF allocation for the education of students with disabilities as it spent last year. LEAs must sign the appropriate assurance provide on Tab 2, of the fiscal workbook. LEAs **must** provide this assurance in order to establish eligibility for IDEA, Part B funding under 34 CFR §§ 300.200 & 300.203.
2. **Provide budget and expenditure information** – within the coming months the OSSE will provide LEAs with worksheets to verify that each LEA is complying with the required assurance by requesting information about the LEA's current year budget for UPSFF funds and prior year UPSFF expenditures. The worksheet will provide LEAs with additional guidance on how to calculate MOE, including what constitutes spending for the education of students with disabilities and which data sources LEAs should use in their calculations. LEAs must complete these worksheets in order to verify their eligibility for IDEA, Part B funding.
3. **Spend UPSFF funds consistent with the budget amount specified in the worksheet** – the required assurance and worksheets provide the OSSE with assurance that an LEA *will maintain* effort by establishing how much an LEA plans to spend in the coming year. In order to demonstrate that an LEA *has maintained* effort it must be able to demonstrate it actually spent a sufficient amount of funds by the end of the year. The OSSE may review the LEA's actual UPSFF expenditures at the end of the fiscal year in order to verify that the LEA did not reduce its UPSFF expenditures from the prior year.

For example: If an LEA spent \$800,000 of its UPSFF allocation for the education of students with disabilities in school year 2007-2008, it must *budget* to spend at least \$800,000 of its UPSFF allocation for the education of students with disabilities in school year 2009-2010 in order to establish eligibility for IDEA, Part B funds. The LEA must also

be able to demonstrate that by the end of school year 2009-2010 it *spent* at least \$800,000 for the education of students with disabilities for school year 2008-2009.

A failure to maintain effort could result in the repayment of funds.

Supplement not Supplant: Generally, the “supplement, not supplant” provision means that IDEA, Part B funds must be used only to provide additional services, staff, programs, or materials that could not be provided by the LEA absent the IDEA funds. According to recent guidance issued by the U.S. Department of Education, an LEA will meet the supplement not supplant requirement if it meets MOE. This guidance is available in Q&A C-6 of the IDEA ARRA guidance, available at: <http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf>.

Excess Cost: The goal of IDEA, Part B funding is to pay for the *extra* cost associated with educating students with disabilities. Thus, LEAs are required to determine how much it costs to educate a student regardless of disability status, and must pay for those baseline costs with state, local or other federal funds. IDEA, Part B funds may only be spent on costs over and above this baseline.

Within the coming months the OSSE will provide LEAs with additional guidance on how to calculate the baseline for excess cost. In general, LEAs must determine their average annual per-student expenditure during the preceding school year for an elementary or secondary student through the following methodology:

1. Determine the total amount of expenditures made for elementary or secondary school students from all sources:
 - Including state, local and federal funds
 - Excluding capital outlay and debt service
2. Subtract from the above total, the amounts spent with the following:
 - IDEA, Part B funds
 - ESEA, Title I, Part A funds
 - ESEA, Title III, Part A funds
 - State and local funds for students with disabilities
 - State and local funds for programs under ESEA, Title 1, Part A, and Title III, Parts A and B
3. Determine your average annual per student expenditure amount by dividing the balance from the above calculation by the average number of students enrolled in elementary or secondary schools in the previous year
4. Multiply the number of elementary or secondary school students with disabilities by the average annual per student expenditure amount

The result is the baseline amount that must be supported with state, local and other federal funds. Additional information about this calculation is available in Appendix A of the IDEA, Part B regulations:

<http://ecfr.gpoaccess.gov/cgi/t/text/text->

[idx?c=ecfr&sid=edfc31610a94d8d22ab12d34920bf0a8&rgn=div9&view=text&node=34:2.1.1.1.1.8.68.19.1&idno=34](http://ecfr&sid=edfc31610a94d8d22ab12d34920bf0a8&rgn=div9&view=text&node=34:2.1.1.1.1.8.68.19.1&idno=34).

While the above steps provide a general overview of the excess cost calculation, the OSSE will provide LEAs with more particularized guidance about how to perform the calculations.

LEAs are not expected to submit any calculations with this Phase II application; however, each LEA must assure the OSSE the LEA will use IDEA, Part B funds only to pay the excess costs of providing special education and related services to students with disabilities. LEAs must sign the appropriate assurance provided in Tab 2 of the fiscal workbook. LEAs **must** provide this assurance in order to establish eligibility for IDEA, Part B funding under 34 CFR §§ 300.200 & 300.202.

Section 6. Federal Cost Principles

All costs charged to federal funds must be consistent with the federal cost principles set out in Office of Management and Budget (OMB) Circulars. OMB Circular A-87 applies to LEAs and establishes the basic standards for all costs charged to federal programs, as well as more specific rules that apply to selected items of cost. In short, OMB Circular A-87 requires all costs to be necessary, reasonable, and allocable.

In general, a cost is considered necessary if it is needed for the performance or administration of the grant. A cost is considered reasonable if the LEA follows sound business practices, pays a fair market price and acts with prudence under the circumstances. A key aspect of reasonableness is ensuring funds are targeted to where a program's needs are greatest. Further, a cost is considered allocable if the cost benefits the program in proportion to the amount of money the program paid. For example, if an LEA uses IDEA, Part B funds to pay for 100% of the cost of an item that item must be used for IDEA, Part B purposes 100% of the time.

OMB Circular A-87 is available at: http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html

Education Department General Administrative Regulations (EDGAR)

LEAs must use fiscal control and fund accounting procedures that will ensure the proper disbursement of, and accounting for, federal funds. In other words, LEAs must spend their federal funds correctly and be able to prove they spent their federal funds correctly. In order to comply with this requirement, LEAs must implement three threshold systems: (1) financial management; (2) procurement; and (3) inventory management.

EDGAR contains information about these systems, as well as other grants management requirements, and is available at: <http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html>.

Guidance for Completing Programmatic Portion of IDEA Phase II Application

Section 7. Identification of Students with Disabilities Attending Public Schools (Child Find) 34 CFR § 300.111

LEAs are required to carry out activities to locate and identify students who may have a disability so that such students can be evaluated. This is part of the 'child find' process, and must be carried out in accordance with the terms of the state plan and policies.

LEAs may implement a wide variety of activities to meet its child find requirements, including: using their enrollment processes to obtain information about students that may need additional educational services, screening methods to determine if a student should be referred for evaluation, and parent and community outreach.

LEAs must describe the activities they will carry out in the appropriate section of the application.

Section 8. Compliance with Evaluation Timelines - 34 CFR § 300.300, 300.322(d)

LEAs proposing to conduct an evaluation or reevaluation must make reasonable efforts to obtain informed consent from the student's parent before conducting the evaluation, subject to certain exceptions applicable to wards of the District of Columbia who are not residing with the parent. In addition, if a student is determined eligible for services pursuant to 34 CFR § 300.306-311, a public agency responsible for making FAPE available to a student with a disability must obtain informed consent from the parent of the student before the initial provision of special education and related services to the student. Parental consent for evaluation or reevaluation is not consent for the initial provision of special education and related services.

Consent means that:

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes the activity and lists the records (if any) that will be released and to whom; and
- The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

In order to demonstrate the LEA has made a reasonable effort it must document its attempts to secure consent through:

- Detailed records of telephone calls made or attempted, and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and

- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Please note: The U.S. Department of Education released final regulations in December 2008 that provide new rules for parental revocation of consent for provision of services. LEAs are encouraged to carefully review the final regulations available at: <http://idea.ed.gov/explore/home>.

LEAs must describe the strategies they will use to ensure compliance with these parental consent requirements.

Section 9. Compliance with Evaluation Timelines-34 CFR § 300.301

LEAs are required to conduct a full and individual initial evaluation of a student before providing special education and related services in order to determine whether the student meets the definition of a student with a disability eligible for services under IDEA, Part B. The evaluation must be completed within 120 days from the date that the student was referred for an evaluation pursuant to D.C. Code §38-2561.02. A request for an evaluation can be initiated by a parent, or by the LEA serving the student.

During the initial evaluation, the IEP team and other qualified professionals must, as appropriate:

- Review existing evaluation data on the student including: (1) evaluations and information provided by the parents; (2) current classroom-based, local or state assessments, and classroom-based observations; and (3) observations by teachers and related services providers;
- On the basis of the above review, identify what additional data, if any, are needed to determine: (1) whether the student has a disability and the educational needs of the student; (2) the present levels of academic achievement and related developmental needs of the student; and (3) whether the student needs special education and related services; and
- Determine, upon completion of the administration of assessments and other evaluation measures, whether the student is a student with a disability consistent with 34 CFR § 300.306-311.

Ensuring that evaluations are completed on time is a priority for the District. LEAs must describe the strategies that they will use to ensure that evaluations are completed timely. The OSSE will closely monitor LEA efforts to implement the described strategies, and will expect LEAs to produce sufficient documentation to demonstrate compliance with the District's evaluation timeline.

For more information about evaluations please review:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C4%2C>.

Section 10. Compliance with Reevaluation Timelines-34 CFR § 300.303

LEAs must ensure that students with disabilities are reevaluated:

- If the LEA determines that the student's educational or related services needs warrant a reevaluation; or
- If a student's parent or teacher requests a reevaluation (except that a reevaluation may not occur more than once a year unless the parent and LEA agree otherwise).

LEAs must reevaluate students at least once every three years, unless the parent and LEA agree that a reevaluation is unnecessary.

During the reevaluation, the IEP team and other qualified professionals must, as appropriate:

- Review existing evaluation data on the student including: (1) evaluations and information provided by the parents; (2) current classroom-based, local or state assessments, and classroom-based observations; and (3) observations by teachers and related services providers; and
- On the basis of the above review, identify what additional data, if any, are needed to determine: (1) whether the student continues to have a disability and the educational needs of the student; (2) the present levels of academic achievement and related developmental needs of the student; (3) whether the student continues to need special education and related services; and (4) whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

Ensuring reevaluations are completed on time is a priority for the District. Thus, LEAs must describe the strategies that they will use to ensure reevaluations are completed timely. The OSSE will closely monitor LEA efforts to implement the described strategies, and will expect LEAs to produce sufficient documentation to demonstrate compliance with the reevaluation timeline.

For more information about reevaluations please review:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C4%2C>.

Section 11. Individualized Education Program (IEP) Development-34 CFR §§ 300.320-324

LEAs must ensure the following, among other requirements detailed at 34 CFR § 300.320-324, with respect to IEP development:

- Within 30 days of the determination of eligibility, a meeting to develop an IEP is conducted;
- Parents, and the student, if appropriate, are provided sufficient notice and opportunity to participate in the development of the IEP;

- As soon as possible following the IEP development, special education and related services are made available to the student in accordance with the student's IEP; and
- At the beginning of each school year, an IEP is in effect for each student with a disability within the LEA's jurisdiction.

Timely and current IEP development is a priority area for the District. The OSSE will closely monitor this area and expect LEAs to produce sufficient document to demonstrate compliance with the timelines and participation requirements of the IDEA.

For more information about IEPs please review:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C1%2C>.

Section 12. Management of Individualized Education Plans (IEPs) of Students Transferring from Other LEAs - 34 CFR § 300.323

If a student with a disability transfers from another LEA within the District of Columbia during the school year, the new LEA must provide FAPE to the student (including services comparable to those described in the student's IEP from the prior LEA) until the new LEA either:

- Adopts the student's IEP from the prior LEA; or
- Develops, adopts and implements a new IEP.

If a student with a disability transfers from another LEA outside of the District of Columbia during the school year, the new LEA must provide the student with FAPE (including services comparable to those described in the student's IEP from the prior LEA) until the new LEA:

- Conducts an evaluation (if the new LEA determines it is necessary); and
- Develops, adopts and implements a new IEP, if appropriate.

The new LEA must make reasonable steps to obtain the student's records, including the IEP and supporting documents.

Section 13. Least Restrictive Environment (LRE)- 34 CFR § 300.114

LEAs must ensure, to the maximum extent appropriate, that students with disabilities are educated with students who are nondisabled. LEAs must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities, and must ensure that placement decisions take into account the least restrictive environment requirements.

In addition, LEAs must ensure that the placement decision:

- Is made by a group of persons, including the parents and other person knowledgeable about the student, evaluation data, and placement options;
- Is determined at least annually;
- Is based on the student's IEP;
- Is as close as possible to the student's home; and
- Provides for the student to be educated in the school that he or she would attend if nondisabled, unless the IEP requires some other arrangement.

Ensuring that students with disabilities are placed in the least restrictive environment appropriate to their individual needs is a priority area for the District. Thus, LEAs must describe the strategies they will use to ensure appropriate placements. The OSSE will closely monitor LEA efforts, and will expect LEAs to produce sufficient documentation to justify their placement decisions.

Section 14. Post-School Transitions - 34 CFR §§ 300.320 & 300.321

For more information about transition requirements please review:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C14%2C>

Section 15. Adequate Training of Teaching Personnel

LEAs must ensure that personnel hired to implement IDEA, Part B programming are appropriately prepared. LEAs must describe the strategies they will use to ensure compliance with this requirement.

Section 16. Tiered Intervention for Struggling Learners

For more information about approaches to tiered intervention for struggling learners please review:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C8%2C>

Section 17. Utilization of Positive Behavior Strategies

For more information about positive behavioral intervention and support (PBIS) strategies and discipline please review the following websites.

For more information about discipline:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C6%2C>

For more information about PBIS: <http://www.pbis.org>

Section 18. Timely Implementation of Due Process Hearing Decisions - § 615(f) of IDEA

Impartial hearing officer determinations must be implemented within the timeframe prescribed by the hearing officer.

Ensuring that hearing officer decisions are implemented in a timely manner is a priority area for the District. Thus, LEAs must describe the strategies they will use to ensure the timely implementation of hearing officer decisions. The OSSE will closely monitor LEA efforts.

Please see sections 3 and 4 of this Manual for guidance on completing question 13 and 14 of the programmatic portion of the application.

Instructions for Completing the Fiscal Workbook and Programmatic Portion of the IDEA Phase II Application

As stated previously, the FFY 2009 IDEA Phase II Application for your Annual and ARRA grant funds consists of two documents. The first document is a Microsoft Word file containing the programmatic questions your LEA will need to complete. The second document is an Excel workbook containing the financial forms and templates your LEA will need to complete. The file names of these two documents are listed below:

3. FFY09 IPB P2 App – Program
4. FFY09 IPB P2 App - Fiscal

The following pages provide specific instructions regarding the submission of these documents and how to navigate and complete the fiscal workbook.

Submission Instructions

Your LEA will need to submit both the programmatic portion of the application and the fiscal workbook to the OSSE at the same time. These documents must be e-mailed to the OSSE.DSE-PartBFinance@dc.gov account. **Please place the full name of your LEA in the subject line.** Listed below are specific instructions regarding the format in which these documents must be submitted. All three of the below documents must be submitted at the same time and in the specified formats. If not, the OSSE will consider the LEA's application to be incomplete.

- The programmatic application must be filled out, signed by the authorized official, and submitted in a Portable Document Format (PDF). The file should be named using the following naming convention:
[LEA.NAME -FFY09.PII-PA-Month.Day.Year \(of submission\).pdf](#)
 - (example: [School.of.DC-FFY09.PII-PA-09.18.09.pdf](#))
- The fiscal workbook must be submitted to the OSSE as both a Microsoft Excel (.xls) file “soft copy”, and as PDF file “hard copy.”
 - To submit the “hard copy”, your LEA must first complete the workbook, print out each tab that your LEA filled out, sign all required assurances, and then scan the printed pages to create a PDF file. This file should be named using the following naming convention: [LEA.NAME - FFY09.PII-FAHC-Month.Day.Year \(of submission\).pdf](#)
 - Example: [School.of.DC-FFY09.PII-FAHC-09.18.09.pdf](#)
 - To submit the soft copy version of this file simply attach an electronic copy of your LEA's completed fiscal workbook to the e-mail. Please make sure your LEA submits the final version of the workbook. This file should be named using the following naming convention: [LEA.NAME - FFY09.PII-FASC-Month.Day.Year \(of submission\).xls](#)
 - Example: [School.of.DC-FFY09.PII-FASC-09.18.09.xls](#)

Overview of IDEA Fiscal Workbook

The fiscal workbook is an excel file that contains 19 tabs/worksheets. The first tab of this workbook contains a Table of Contents, which provides a link to each of the 19 tabs listed below. The LEA may navigate the entire workbook using this page or by clicking on the individuals tabs. For easy reference, a link back to the Table of Contents page has been placed at the top of each tab.

This workbook has been formatted to print on letter size (8.5 by 11 inches) paper. Nevertheless, before the LEA submits this file to the OSSE for review, please make sure to have all relevant information printed. The remaining sections of this Manual will outline the steps that the LEA must take to complete each tab.

List of Tabs included in the Fiscal Workbook

- | | |
|---|---|
| 1. FFY 2009 IDEA Part B Preliminary Allocations and Set-aside Worksheet | 10. Budget - 611 ARRA |
| 2. ARRA Reimbursement and Reporting Schedule Request | 11. Budget - 619 ARRA |
| 3. Fiscal Assurances | 12. Budget - CEIS |
| 4. Programmatic Spending Plan - Annual Part B Funds | 13. DCPS ONLY – 611 Budget – Equitable Services |
| 5. Programmatic Spending Plan- ARRA Part B Funds | 14. DCPS ONLY – 619 Budget – Equitable Services |
| 6. Programmatic Spending Plan– CEIS | 15. Equipment Purchases - Justification Form |
| 7. DCPS ONLY – Programmatic Spending Plan – Equitable Services | 16. Construction or Alteration of Facilities - Justification Form |
| 8. Budget - 611 Annual | 17. DCPS Only - IDEA Equitable Services Calculator |
| 9. Budget - 619 Annual | 18. LEA Fiscal Workbook Signature Page |
| | 19. Helpful Definitions |

Tab 1: FFY 2009 IDEA Part B Preliminary Allocations and Set-Aside Worksheet for LEAs

The first tab of the workbook contains five Tables, many of which self-populate and/or require the LEA to make a selection from a drop down menu. These tables will assist the LEA in making appropriate set-aside allocations and determine which specific budgets and spending plans it needs to develop.

To begin, the LEA must first select its name from the 1st drop-down menu at the top of the page. *(Click on the cell that is denoted by a number 1 in a black box and has "Select your LEA" written in red text).* This action will auto-populate the LEA's FFY 2009 IDEA Part B Preliminary Allocations in Table 1. **Please note that the LEA's planning allocations have been revised since July, 2009. The allocations included in the fiscal workbook reflect the LEA's revised preliminary allocations. This revision was required pursuant to the OSSE's receipt of updated guidance from the United States Department of Education.**

A description of each Table and required actions is provided below:

Table 1 will display the LEA's revised FFY 2009 preliminary allocations for the following grants: Annual Section 611, Annual Section 619, ARRA Section 611, and ARRA Section 619. Please remember that these are preliminary allocations, which could increase or decrease depending on the results of this year's enrollment audit.

Table 2 should be used to determine the LEA's set-aside amount for Coordinated Early Intervening Services (CEIS). From the 2nd drop down menu box, the LEA will need to select its status regarding making a CEIS set-aside allocation: **Required, Voluntary, or Neither**. Under IDEA, if the LEA is identified by the OSSE as having "significant disproportionality"¹ then it **must** set aside 15 percent of its total Part B funds for coordinated early intervening services. This designation would have been communicated to the LEA through an official letter.

- ♦ If the LEA has been identified as having "significant disproportionality", then the LEA should select the word "**Required**" from the **2nd** drop down menu and select 15 percent from the **3rd** drop down menu. The LEA must then determine from which grant program it will deduct its CEIS set-aside: either its Section 611 Annual grant or its Section 611 ARRA grant. To make this designation, please click on the **4th** drop down menu and select the appropriate grant program. Due to the increased tracking requirements of ARRA funds, it is recommended that the LEA deducts this set-aside from its Annual Section 611 grant. The

¹ Disproportionate representation of racial/ethnic groups identified as needing special education services. More information about CEIS can be found in Section 3 of this Manual.

15 percent that the LEA is required to set aside for CEIS will automatically be deducted from the designated grant program. The LEA will be able to see the impact of its decision in Tables 4 and 5.

- ♦ If the LEA is not required to set aside funds for CEIS and does not wish to allocate any of its Part B funds for CEIS, then please select the word **“Neither”** from the **2nd** drop down menu. Your LEA can then skip ahead to Table 5.
- ♦ If the LEA is not required to set aside funds for CEIS, but would like to use a portion of its Part B funds for CEIS, then please select the word **“Voluntary”** from the **2nd** drop down menu. The LEA should then designate the percentage it would like to set aside for this purpose by clicking on the **3rd** drop down menu. The **3rd** drop down menu will allow the LEA to allocate between 1 percent and 15 percent. Once the percentage is selected, the LEA should determine from which grant program it will take the CEIS deduction. To make this designation, please click on the **4th** drop down menu and select the appropriate grant program. Due to the increased tracking requirements of ARRA funds, it is recommended that the LEA deducts this set-aside from its Annual Section 611 grant. The percentage that the LEA voluntarily sets aside for CEIS will automatically be deducted from the designated grant program. The LEA can see the impact of its decision in Tables 4 and 5.

Table 3 should be completed by DCPS only. This table, in conjunction with Tab 17, will assist DCPS in making its IDEA Equitable Services set-aside for its IDEA, Part B grants². DCPS must first complete the IDEA Equitable Services Calculator on Tab 17 before completing Table 3. The results of DCPS’s proportionate share calculations will be automatically populated in Table 3 of Tab 1. Once the Equitable Services amounts are known, DCPS will need to determine from which grant program it will take its proportionate share deduction. To make this designation for Section 611, please click on the **5th** drop down menu and select the appropriate grant program. To make this designation for Section 619, please click on the **6th** drop down menu and select the appropriate grant program. Due to the increased tracking requirements of ARRA funds, it is recommended that the LEA deduct its Equitable Services set-asides from its Annual IDEA Part B grant programs. The amount that the LEA is required to set aside for this purpose will automatically be deducted from the designated grant programs. The LEA can see the impact of its decision in Tables 4 and 5.

Table 4 will display the impact of the LEA’s decisions in Tables 2 and 3 (if applicable) to the LEA’s FFY 2009 preliminary IDEA Part B Annual and ARRA grant allocations.

Table 5 will provide the amounts for which the LEA should develop discrete budgets and spending plans. Please remember that grant funds set aside for CEIS and Equitable Services

² For more information about IDEA Equitable Services please see Section 4 of this Manual.

must be tracked separately from the LEA's Annual and ARRA Section 611 and Section 619 funds. More information is provided below regarding the purposes and uses of the LEA's spending plans and budgets.

Tab 2: ARRA Reimbursement and Reporting Schedule Request

In this tab the LEA will find information about its responsibilities regarding IDEA ARRA reporting. In order to meet the quarterly reporting requirements associated with the American Recovery and Reinvestment Act, as well as to assist the OSSE in maintaining a regular schedule of draw-downs of federal funds from ED, every LEA that was allocated ARRA funds from any source, including IDEA, Part B, must complete and submit the OSSE's "ARRA Reimbursement and Reporting Workbook" on a quarterly basis according to specific deadlines. This workbook incorporates required reporting elements with the OSSE's typical reimbursement workbook to minimize the need for supplemental submissions by LEAs to fulfill their reporting responsibilities.

The submission of this workbook is required regardless of whether the LEA is seeking reimbursement. Meeting these requirements is a condition of receiving ARRA federal funds, as indicated in Phase I of the IDEA, Part B Application. The LEA will need to read this section carefully and indicate that it understands the submission requirements by checking on each of the required boxes. For more information about IDEA ARRA grant funds please see Section 2 of this Manual.

Tab 3: Fiscal Assurances

This tab contains Maintenance of Effort (MOE) and Excess Costs assurances, which are related to the use of the LEA's Uniform Per Student Formula (UPSF) dollars that are specific to IDEA. The Chancellor (DCPS only), Chairperson of the Board (independent LEAs and other sub-grantees), or a designated official will need to print, initial, date and sign this page. For more information about these fiscal requirements please see Section 5 of this Manual.

Overview of Purpose and Use of Part B Spending Plans and Budgets

LEAs must develop spending plans and budgets that inform the OSSE, generally, how the LEA intends to use its IDEA, Part B funds. These spending plans and budgets will be used to approve/disapprove cost reimbursement requests submitted by the LEA. LEAs must complete separate spending plans and budgets for each Part B grant it receives and for certain set-asides,

where applicable. For example, if an LEA is eligible to receive both Section 611 and 619 funds, then it will need to complete a spending plan and a budget for each of the following grants:

- A. Annual Section 611 grant
- B. Annual Section 619 grant
- C. ARRA Section 611 grant
- D. ARRA Section 619 grant

As stated earlier, grant funds spent on LEA set-asides for CEIS and for Equitable Services must be tracked separately from the rest of the LEA's IDEA, Part B funds. If for example, the LEA chooses to designate a portion of its Part B Section 611 Annual funds for CEIS then the LEA would need to develop an additional spending plan and budget. In this scenario, the LEA would need to develop 5 spending plans and 5 budgets: one for its CEIS set-aside, two for its Annual Part B grants, and two more for its ARRA Part B grants. At a minimum, DCPS will need to develop six separate budgets and spending plans: two for its Annual Part B grants, two for its ARRA Part B grants, and two for its Equitable Services set-asides.

To complete programmatic spending plans, please specify the activities the LEA will carry out with its IDEA, Part B funds by checking the appropriate boxes and briefly describing how the selected activities will be carried out. Please note: the activities listed in the application are not intended to be exhaustive. LEAs may propose additional uses of funds by checking the box marked "other" and describing the proposed activities. Please note that LEAs are not required to select all of the possible activities. Rather, LEAs are expected to target funds to areas of greatest need.

The purpose of the budget summaries is to provide the DSE with a financial baseline for how LEAs will allocate their federal funds to implement the above described activities. The LEA should input the actual dollar amount it anticipates spending on the previously selected activities into the proper budget categories. Definitions of the budget categories are provided in the application workbook.

The Department of Special Education (DSE) will use these spending plans and their associated budget summaries as a guide to approve/disapprove FFY 2009 draw down requests submitted by your LEA. The OSSE understands that the LEA is making estimates and that the actual expenditures or priorities may change. If, during the year, the LEA anticipates that there will be a variance between the amounts originally estimated and the amounts it will actually spend on a listed activity, it should submit a spending plan and budget modification request to the Department of Special Education (DSE) Finance Office at OSSE.DSE-PartBFinance@dc.gov. Please remember that if the LEA's cost reimbursement requests do not align to the spending plans and budgets the DSE has on file for the LEA, then OSSE will not be able to approve the LEA's reimbursement request.

The DSE will provide more guidance on modifying grant spending plans and budgets in the coming months.

As LEAs develop their applicable spending plans and budgets, it may be helpful to keep the following analysis in mind. All costs charged to federal funds must be:

- Allowable under the relevant program;
- Consistent with program-specific fiscal rules;
- Consistent with federal cost principles;
- Consistent with the Education Department General Administrative Regulations; and
- Consistent with any special conditions imposed on the grant.

Tabs 4 - 5: Programmatic Spending Plans for Annual and ARRA Section 611 and 619 grant funds

Tabs 3 and 4 contain spending plans for the LEA's Annual and ARRA Part B Section 611 and 619 grants. The LEA will use these spending plans to allocate, on a percentage basis (not dollar amounts), the amount of grant funds it intends to use for specific activities. In addition to providing percentages, the LEA will also need to provide a brief description of how the proposed activity will be carried out. Please make sure that the LEA allocates 100 percent of each grant program it is eligible to receive. A message will appear at the bottom of each spending plan if the LEA fails to allocate 100 percent of its funds. If the LEA is not eligible to receive Section 619 funds, then simply leave that portion of the spending plans blank.

Tab 6: Programmatic Spending – CEIS

Tab 6 contains the spending plan for the LEA's CEIS set-aside. Please note that only LEAs that are either required and/or have voluntarily elected to set aside a portion of their funds for CEIS should complete this spending plan. It is important to remember that the allowable uses of CEIS grant funds differ from the allowable uses of Annual and ARRA Part B grant funds. For more information regarding allowable uses of CEIS funds please see Section 3 of this Manual.

The LEA will use these spending plans to allocate, on a percentage basis (not dollar amounts), the amount of grant funds it intends to use for specific activities. In addition to providing percentages, the LEA will also need to provide a brief description of how the proposed activity will be carried out. Please ensure that 100 percent of the CEIS set-aside is allocated and that descriptions are provided. A message will appear at the bottom of each spending plan if the LEA fails to allocate 100 percent of its funds.

Tab 7: Programmatic Spending – IDEA Equitable Services (DCPS Only)

Tab 7 should only be completed by DCPS. It is important to remember that DCPS can only use its Equitable Services set-aside to support parentally-placed private school students with a disability and a service plan. **This spending plan should only be completed once DCPS has engaged in meaningful consultation with private school representatives and parent representatives. As such, these spending plans are not due until November 1, 2009. However, DCPS will not be able to seek reimbursement for costs related to Equitable Services until this plan is submitted to the OSSE.** For more information regarding Equitable Services please see Section 4 of this Manual.

To complete this spending plan DCPS should first consult with the proper representatives and then allocate, on a percentage basis (not dollar amounts), the amount it intends to use for specific activities related to the provision of Equitable Services for parentally-placed private school students with disabilities. In addition to providing percentages, DCPS will also need to provide a brief description of how the proposed activities will be carried out. Please ensure that 100 percent of this set-aside is allocated and that descriptions are provided. A message will appear at the bottom of each spending plan if DCPS fails to allocate 100 percent of its funds.

Tabs 8 - 11: Budget Summaries for Annual and ARRA Section 611 & 619 grant funds

These tabs contain budget summaries that the LEA will need to complete. As previously stated, Table 5 on Tab 1 will identify the specific amounts for each grant program and/or set-aside that the LEA will need to develop a budget. The amount for which the LEA should develop a particular budget is pre-populated at the top of each tab. The LEA will need to assign an actual dollar value for specific budget categories such as salaries, supplies, contracts, etc. Please make sure the budget that the LEA develops does not exceed the amount listed at the top of the form.

Tab 12: Budget Summary – CEIS

Tab 12 contains the budget for the LEA's CEIS set-aside. Please note that only LEAs that are either required and/or have voluntarily elected to set-aside a portion of their funds for CEIS should complete this budget summary. It is important to note that the allowable uses of CEIS grant funds differ from the allowable uses of IDEA and ARRA Part B grant funds. For more information regarding allowable uses of CEIS funds, please see Section 3 of this Manual.

The amount for which the LEA should develop a CEIS budget is pre-populated at the top of this tab. The LEA will need to assign an actual dollar value for specific budget categories such as salaries, supplies, contracts, etc. Please make sure that the budget the LEA develops does not exceed the amount listed at the top of the form.

Tabs 13 - 14 : Budget Summaries – IDEA Equitable Services (DCPS only)

Tabs 13 and 14 should only be completed by DCPS. It is important to remember that DCPS can only use its Equitable Services set-aside to support parentally-placed private school students with a disability and a service plan. **These budgets should only be completed once DCPS has engaged in meaningful consultation with private school representatives and parent representatives. As such, these budgets are not due until November 1, 2009. However, DCPS will not be able to seek reimbursement for costs related to Equitable Services until this plan is submitted to the OSSE.** For more information regarding Equitable Services please see Section 4 of this Manual.

To complete this budget DCPS should first consult with the proper representatives, develop a plan for spending the Equitable Services grant funds for parentally-placed private school students with disabilities, develop a Section 611 and Section 619 spending plan and then complete the corresponding Section 611 and 619 budgets. The amount for which DCPS should develop its Section 611 and Section 619 Equitable Services budgets is pre-populated at the top of each tab. DCPS will need to assign an actual dollar value for specific budget categories such as salaries, supplies, contracts, etc... Please make sure that the budget developed does not exceed the amount listed at the top of each form.

Tab 15: Equipment Purchases - Justification Form

This tab contains the justification form that LEAs must complete to request approval from the OSSE to use its IDEA, Part B grant funds for the acquisition of equipment costing over \$5,000³. LEAs only need to complete the form in Tab 15 if they are planning to use their FFY 2009 IDEA, Part B grant funds to purchase equipment. The LEA should carefully review Appendix A of this Manual before making this request. IDEA and EDGAR require LEAs to follow very specific regulations regarding the use of Part B funds for construction, alteration, and equipment costs.

³ "Equipment" is defined to mean an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of the capitalization level established by the governmental unit for financial statement purposes, or \$5,000 (2 CFR Part 225, Appendix B, 15.a).

Section 605 of the IDEA authorizes OSSE to permit LEAs to use IDEA, Part B funds for the acquisition of equipment if the OSSE determines that the LEA's special education program would be improved by allowing funds to be used for those purposes. LEAs will need prior approval from the OSSE before they can begin obligating/spending grant funds for this purpose. In tab 15, the LEA will need to list the equipment it would like to purchase, describe why it is needed and the way in which it will improve the LEA's special education program, identify the anticipated cost of each item, and identify from which Part B grant program the expense will be purchased. Please ensure that these desired equipment purchases are reflected in the associated spending plans and budgets.

Tab 16: Construction or Alteration of Facilities - Justification Form

This tab contains the justification form LEAs must complete to request approval from the OSSE to use its IDEA, Part B grant funds for the construction or alteration of its facilities. LEAs only need to complete the form in Tab 16 if they are planning to use their FFY 2009 IDEA, Part B grant funds for these purposes. The LEA should carefully review Appendix A of this Manual before making this request. IDEA and EDGAR require LEAs to follow very specific regulations regarding the use of Part B funds for construction, alteration, and equipment costs.

Section 605 of the IDEA authorizes OSSE to permit LEAs to use IDEA, Part B funds for the construction or alteration of facilities if the OSSE determines that the LEA's special education program would be improved by allowing funds to be used for those purposes. LEAs will need prior approval from the OSSE before they can begin obligating/spending grant funds for this purpose. In tab 16, the LEA will need to list out the construction and or alteration projects it would like to undergo, describe why these initiatives are needed and the way in which it will improve the LEA's special education program, identify the anticipated cost of each project, and identify from which Part B grant program each project will be funded. Please ensure that these desired construction and/or alteration projects are reflected in the associated spending plans and budgets.

Tab 17: DCPS Only - IDEA Equitable Services Calculator

This tab contains the calculator DCPS should use to calculate its Section 611 and Section 619 IDEA Equitable Services set-aside amounts. Equitable Services, which is sometimes referred to as "the proportionate share", is the amount of grant funds DCPS must spend from its Section 611 and Section 619 grants during the FFY 2009 grant cycle on the provision of special education and related services for parentally-placed private school students with disabilities enrolled in private elementary schools and secondary schools located in the geographical boundary of DC. This tab must be completed by DCPS before completing Tab 1.

In this tab, DCPS will enter the following student count numbers:

- Under the Section 611 calculation, DCPS should enter the number of parentally-placed students with disabilities attending private elementary and secondary schools located in DC (3-21 yr. olds only)
- Under the Section 619 calculation, DCPS should enter the number of parentally-placed students with disabilities attending private elementary and secondary schools located in DC (3-5 yr. olds only)

Once DCPS has entered these numbers, the worksheet will automatically calculate DCPS' IDEA, Part B 611 and 619 proportionate share set-asides. DCPS must then return to Tab 1 to decide from which grant program it will deduct each Equitable Services set-aside: either its Annual IDEA grant programs or its ARRA IDEA grant programs.

Note that this Tab is exclusive to DCPS and should not be filled out by any other LEAs.

Tab 18: LEA Workbook Signature Sheet

This tab contains the signature page confirming that the contents of this Fiscal Workbook are accurate and approved by the sub-grantee. The Chancellor (DCPS only), Chairperson of the Board (independent LEAs and other sub-grantees), or a designated official will need to print, initial, date and sign this page.

Tab 19: Helpful Definitions

This tab contains helpful definitions for LEAs to complete this Fiscal Workbook.

Appendix A - Instructions for Requesting Prior Approval for Equipment, Construction, and Alteration of Facilities

Equipment

Section 605 of the IDEA authorizes OSSE to permit LEAs to use IDEA, Part B funds for the acquisition of equipment if the OSSE determines that the program would be improved by allowing funds to be used for those purposes. Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more.

An LEA wishing to use IDEA, Part B funds for these purposes must request the OSSE's **prior approval** by checking the appropriate category in the spending plan and providing the OSSE with a justification for why the expenditure is necessary and reasonable and the way in which the expenditure will improve the LEA's special education program. LEAs may not spend funds for the acquisition of equipment until the OSSE approves the expense.

Construction and Alteration

Section 605 of the IDEA authorizes OSSE to permit LEAs to use IDEA, Part B funds for construction or alteration of facilities if the OSSE determines that the program would be improved by allowing funds to be used for those purposes.

An LEA wishing to use IDEA, Part B funds for these purposes must request the OSSE's **prior approval** by checking the appropriate category in the spending plan and providing the OSSE with a justification for why the expenditure is necessary and reasonable and the way in which the expenditure will improve the LEA's special education program. LEAs may not spend funds on construction or alteration of facilities until the OSSE approves the expense.

LEAs seeking the OSSE's prior approval must be aware of the following significant requirements that apply to the use of IDEA, Part B funds for construction or alteration of facilities.

Requirements governing all IDEA, Part B funds

LEAs wishing to use any IDEA, Part B funds, i.e. either its annual IDEA allocation or its IDEA ARRA allocation, for construction or alteration of facilities **must** comply with the following requirements:

- Appendix A of 34 CFR part 28, "Americans with Disabilities Accessibility Guidelines for Buildings and Facilities" (available at: <http://www.access.gpo.gov/ecfr/graphics/pdfs/ec01no91.000.pdf>); or

- Appendix A of 41 CFR subpart 101-19.6, “Uniform Federal Accessibility Standards.”
<http://www.access-board.gov/ufas/ufas-html/ufas.htm>

LEAs must also comply with the requirements of Part 76 of the Education Department General Administrative Regulations regarding construction. Specifically, sections 75.600 – 75.617 of EDGAR require LEAs to:

- Assess the impact of the proposed construction on the quality of the environment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 and Executive Order 11514.
- Describe the relationship of the proposed construction to and probable effect on any district, site, building, structure or object that is included in the National Register of Historic Register of Historic Places, or eligible under criteria established by the Secretary of Interior for inclusion in the National Register of Historic Places.
- Have or obtain a full title or other interest in the site, including right of access, that is sufficient to insure the grantee's undisturbed use and possession of the facilities for 50 years or the useful life of the facilities, whichever is longer.
- Ensure that sufficient funds are available to meet any non-Federal share of the cost of constructing the facility.
- Begin work on construction within a reasonable time, and obtain the OSSE’s prior approval of the final working drawings and specifications before construction is advertised or placed on the market for bidding.
- Complete construction within a reasonable time and in accordance with the application and approved drawings and specifications.
- Ensure that the construction is:
 - Functional;
 - Economical; and
 - Not elaborate in design or extravagant in the use of materials, compared with facilities of a similar type constructed in the State or other applicable geographic area.
- Consider the excellence of architecture and design and inclusion of works of art, and spend no more than one percent of the cost of the project on inclusion of works of art.

- In planning for and designing facilities, observe:
 - The standards under the Occupational Safety and Health Act of 1970 (Pub. L. 91–576) (See 36 CFR part 1910); and
 - State and local codes, to the extent that they are more stringent.
- Comply with the federal regulations on access for individuals with physical disabilities that apply to construction and alteration of facilities. These regulations are:
 - For residential facilities—24 CFR part 40; and
 - For non-residential facilities—41 CFR subpart 101–19.6.
- In accordance with the provisions of Executive Order 11988 of February 10, 1978 (43 FR 6030) and rules and regulations the U.S. Department of Education may issue:
 - Evaluate flood hazards in connection with the construction; and
 - As far as practicable, avoid uneconomic, hazardous, or unnecessary use of flood plains in connection with the construction.
- Maintain competent architectural engineering supervision and inspection at the construction site to insure that the work conforms to the approved drawings and specifications.
- Comply with the regulations on relocation assistance and real property acquisition in 34 CFR part 15.
- Ensure that, when construction is completed, sufficient funds will be available for effective operation and maintenance of the facilities.
- Operate and maintain the facilities in accordance with applicable Federal, State, and local requirements.
- To the extent feasible design and construct facilities to maximize the efficient use of energy.
- Comply with the following standards from the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) in designing and constructing facilities:
 - ASHRAE–90 A–1980 (Sections 1–9)
 - ASHRAE–90 B–1975 (Sections 10–11)
 - ASHRAE–90 C–1977 (Section 12).

- Not use, within the Coastal Barrier Resources System, funds made available under a program administered by the Secretary for any purpose prohibited by 31 U.S.C. chapter 55 (sections 3501–3510).

Special requirements governing an LEA's IDEA ARRA requirements

In addition to the above requirements, LEAs wishing to use IDEA ARRA funds for construction or alteration of facilities **must** comply with the following requirements:

- Section 1511 – For infrastructure investment projects, the recipient, or appropriate chief executive, must post an online certification that the infrastructure investment received the full review and vetting required by law and that the recipient accepts responsibility that the investment is an appropriate use of taxpayer funds. This certification, along with other required information such as a description of the investment, estimated total cost, and amount of Recovery Act funds to be used, must be posted and linked on the Recovery Accountability and Transparency Board website. A recipient may not use funds for infrastructure investment funding unless this certification is made and posted.
- Section 1604 of the ARRA, which prohibits LEAs from using ARRA funds for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- Section 1605 of the ARRA, which generally requires LEAs to use iron, steel, and manufactured goods produced in the United States for any project supported with ARRA for the construction, alteration, maintenance, or repair of buildings. For more information about the terms and conditions that apply to the use IDEA ARRA funds for construction and alterations please see:
<http://www.ed.gov/fund/data/award/idea/arra/enclosurea03-31-09-ideafinal.pdf>.
- Section 1606 of the ARRA, which requires that all laborers and mechanics employed by contractors and subcontractors on projects funded with ARRA funds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. For more information about the terms and conditions that apply to the use IDEA ARRA funds for construction and alterations please see:
<http://www.ed.gov/fund/data/award/idea/arra/enclosurea03-31-09-ideafinal.pdf>.

Cost principles under OMB Circular A-87 (2 CFR Part 225) are also applicable for construction or alteration of facilities or for the acquisition of equipment. The following general criteria must be met in order for a cost to be allowable under any Federal award. The cost must:

- Be necessary and reasonable for proper and efficient performance and

administration of Federal awards.

- Be allocable to Federal awards under the provisions of OMB Circular A-87 (2 CFR Part 225).
- Be authorized or not prohibited under state or local laws or regulations.
- Conform to any limitations or exclusions set forth in OMB Circular A-87, Federal laws, terms and conditions of the Federal award, or other governing regulations as to types or amounts of cost items.
- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the governmental unit.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Except as otherwise provided for in OMB Circular A-87, be determined in accordance with generally accepted accounting principles.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation.
- Be the net of all applicable credits.
- Be adequately documented.